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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/025,279	12/06/2001	Robert M. Ransom	WEC-104-A	5519

7590

10/20/2003

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EXAMINER

CANFIELD, ROBERT

ART UNIT	PAPER NUMBER
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3635

DATE MAILED: 10/20/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/025,279

Applicant(s)

RANSOM ET AL.

Examiner

Robert J Canfield

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 July 2003.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 07 July 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other: _____

1. This Office action is in response to the amendment filed 07/07/2003. Claims 1-8 remain pending.
2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
3. The drawings received on 07/07/2003 are accepted.
4. Claims 1-8 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent 6,357,462 to Laosunthara et al.

As to claim 1-7, Laosunthara provides support element 11, enclosure 30 provided as a two-sided flexible material that is removably attached having first and second visible patterns on opposite surfaces, and removable covering 40 which surrounds the enclosure exterior surface 30. Covering 40 inherently has first and second visible patterns on opposite surfaces.

As to claim 8, Laosunthara et al. provides a plurality of frame elements 11 having flexible material 12 attached thereto to form panel elements which are attached together to form a perimeter enclosure. A flexible covering element 30 is removably secured to the panel elements. Both the flexible material 12 and the covering element 30 are provided with different visible patterns on each side thereof and are reversible.

5. Claims 1 and 3-8 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent 4,709,718 to Nichols.

Nichols provides a removable flexible covering element 10 over a tent having flexible panels attached to frame elements. Both the flexible panels and covering element inherently have a visible pattern on each side.

6. Claims 1-7 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent 6,010,176 to Jones.

Jones provides reversible and removable covers on the exterior surface of a frame. The covers have different patterns on each side thereof. It is well known that the conventional support structures discussed in column 3 may be collapsible.

7. Applicant's arguments filed 07/07/2003 have been fully considered but they are not persuasive.

Applicant's arguments with respect to how amended claims 1-5 distinguish from Laosunthara do not comply with 37 CFR 1.111(c) because they do not clearly point out the patentable novelty which he or she thinks the claims present in view of the state of the art disclosed by the references cited or the objections made. Further, they do not show how the amendments avoid such references or

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objections. No specific argument is presented. The new interpretation of the reference provided in the above rejection is considered to meet the claims as amended.

In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., With respect to claims 6-8 applicant argues that Laosunthara discloses both a flexible covering surrounding a frame and a flexible covering removably attached to the frame and that claims 6 and 8 require a single covering) are not recited in the rejected claims. Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

With respect to the rejections under Nichols applicant again fails to provide a specific argument as how claims 1 and 3-7 distinguish and it is the examiner's position that Nichols meets the claims as amended. With respect to claim 8, applicant argues Nichols fails to disclose panel elements connected together to form the perimeter of an enclosure. The four sides of the tent with one side (40/42 clearly shown) are each panels connected together forming the perimeter of an enclosure.

The conventional support structures discussed in column 3 of Jones are well known as being collapsible.

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert J Canfield whose telephone number is 703-308-2482. The examiner can normally be reached on M-Th.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Carl Friedman can be reached on 703-308-0839. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9326 for regular communications and 703-872-9327 for After Final communications.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-2168.

Robert Canfield

A handwritten signature in black ink, appearing to read 'R. Canfield', with a stylized flourish at the end.

Robert Canfield
Primary Examiner